

Osborne's response as a motion to file an amended complaint. Although the local rules for this district give a party 11 days to respond to a motion, I am granting the motion to amend without waiting for responses because the proposed amended complaint reflects the same essential claim as the live complaint and because little progress has been made in this case pending service on John and Misty Heath. The proposed amended complaint includes additional factual allegations,³ but it brings the same cause of action—now specifically naming defendant Brian Clark and American Access as agents of defendant EZ Access. No prejudice will result to the defendants because the proposed complaint brings no new cause of action. By filing the complaint now, this case can proceed. The clerk of this court shall file the document attached to the plaintiff's response as the plaintiff's third amended complaint as of the date of this order.

It is so ORDERED.

SIGNED on February 27, 2008.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

³See docket entry # 41, ¶¶ 14-5, 19 and 71-9.